

## **REMARKS**

Claims 1-7 and 9-22 are pending. Applicants respond to each of the Action's rejections in the order in which they are presented in the Action.

### **I. Section 102 Rejection**

Claims 1-7, 9, and 10 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,234,167 to Cox. Applicants respectfully traverse these rejections.

Claim 1 recites a medicament dispenser device for use in the delivery of a multi-component combination medicament product, the device comprising, *inter alia*,

at least one further release means for releasing the contents of each at least one further medicament container for delivery thereof, wherein the first release means and the at least one further release means are **mechanically coupled together**, thereby enabling simultaneous delivery of medicament from each dispenser in response to a single patient actuation step . . . .

(Emphasis added). Cox neither discloses nor suggests a medicament dispenser device as recited in claim 1 that comprises a first release means and at least one further release means that are mechanically coupled together. At page 5, the Action states:

Regarding the mechanical coupling of the valves (35 and 135), Webster's dictionary defines "mechanically" as "of or relating to machines or tools, operated or produced by machine." Intrinsically, this definition discloses the mechanical operation of the valves (35 and 135) thru the use of the machinery of the control device (43).

Despite the assertions of the Action, the valves (35 and 135) of Cox are clearly not mechanically coupled together. The valve (35) is electrically coupled to the control box (43). At column 4, lines 10-14, Cox describes how the control device (43) controls a supply of power from a power supply (41) to the valve (35). Similarly, the valve (135) is electrically coupled to the control box (43). At column 8, lines 58-60, Cox describes how the valve (135) is powered by the power source (41) and controlled by the control box (43).

From this disclosure, the Action concludes that the valves (35 and 135) are mechanically coupled together. The Action has taken such a broad reading of the terms "mechanically coupled together" as to virtually eviscerate the meaning of the recitations. By the Action's interpretation, plugging a toaster oven into a kitchen wall socket and

plugging a blender into another kitchen wall socket would result in the two appliances being mechanically coupled together because they would both be electrically coupled to the same power supply/circuit breaker. Clearly, the two appliances would not be mechanically coupled together as that term would be understood by one of skill in the art. As another example, under the Action's interpretation, a light bulb in one room and a light bulb in another room would be mechanically coupled together if the light bulbs derive their power from the same source/circuit breaker. Clearly, the two light bulbs would not be mechanically coupled together as that term would be understood by one of skill in the art. Just as the toaster oven is clearly not mechanically coupled to the blender, and the two light bulbs are clearly not mechanically coupled together, so the valves (35 and 135) of Cox are clearly not mechanically coupled together as one of skill in the art would understand those terms to be used.

For at least the foregoing reasons, Applicants respectfully submit that claim 1 is patentable over Cox and respectfully request that this rejection be withdrawn.

Claims 2-7, 9 and 10 each depend either directly or indirectly from patentable independent claim 1. For at least this reason and without acquiescing in the Action's rejections of these claims, Applicants respectfully submit that these dependent claims are also patentable and request that these rejections be withdrawn. Applicants expressly reserve the right to argue the separate patentability of one or more of these dependent claims at a future date.

## **II. Section 103(a) Rejection**

Claims 11-22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Cox in view of U.S. Patent No. 6,559,168 to Marfat *et al.*

Claims 11-22 each depend indirectly from patentable independent claim 1. For at least this reason and without acquiescing in the Action's rejections of these claims, Applicants respectfully submit that these dependent claims are also patentable and request that these rejections be withdrawn. Applicants expressly reserve the right to argue the separate patentability of one or more of these dependent claims at a future date.

### **III. Conclusion**

For at least the foregoing reasons, Applicants respectfully submit that this application is in condition for allowance and respectfully request the issuance of a Notice of Allowance forthwith. Should the Examiner have any concerns regarding the foregoing, Applicants encourage the Examiner to contact the undersigned, who may be reached at (919) 483-9024.

Respectfully submitted,

/J. MICHAEL STRICKLAND/

J. Michael Strickland  
Attorney for Applicant  
Reg. No. 47,115

Date: January 14, 2009  
Customer No. 23347  
GlaxoSmithKline  
Corporate Intellectual Property  
Five Moore Drive, P.O. Box 13398  
Research Triangle Park, NC 27709-3398  
Telephone: (919) 483-9024  
Facsimile: (919) 483-7988